

REMARKS

In the Final Office Action ("FOA"), the Examiner objected to the Amendment filed July 10, 2002 under 35 U.S.C. § 132 because he alleges that it introduced new matter into the disclosure, and rejected claims 1-14 and 21-26 under 35 U.S.C. § 112, first paragraph. More particularly, the Examiner alleged that the claim recitations of "a first control section" and "a second control section," which were added to claims 1 and 8, are not supported by the original disclosure. The Examiner based the rejection under 35 U.S.C. § 112, first paragraph, on the alleged lack of disclosure of "a first control section" and "a second control section."

Although Applicant does not agree with the Examiner's allegations, Applicant proposes amending claims 1 and 8 to delete the claim recitations of "a first control section" and "a second control section." Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the disclosure and rejection under 35 U.S.C. § 112, first paragraph.

Additionally, the Examiner indicated that "claims 1-14 and 21-26 contain subject matter, which is not taught or suggested by the prior art of record," but also indicated that "removal of the new matter ... will cause the rejection based on Kawakami et al to be reinstated" (FOA, p. 3). In other words, the Examiner is alleging that he will reject claims 1-14 and 21-26 over Kawakami et al. if claims 1 and 8 are amended to remove recitations regarding "a first control section" and "a second control section." In response, Applicant submits that Kawakami et al. differs from the present claimed invention.

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Claim 1 is directed to a resin encapsulating apparatus comprising a combination of elements including, *inter alia*, "a first drive section which drives [an] extruding section ... [and] a second drive section which drives [a] squeegee." Claim 8 is directed to a resin encapsulating apparatus including similar recitations.

Kawakami et al. describes a manipulation means for manipulating a packing nozzle 14. Kawakami et al., col. 4, lines 3-9. FIG. 3 of Kawakami et al. shows that a delivery opening 20 and a squeegee 29 are fixed to the packing nozzle 14. In contrast to the present claimed invention, Kawakami et al. discloses that the manipulation means moves the delivery opening 20 and the squeegee 29 in the same direction, at the same time. In other words, Kawakami et al. discloses only one drive section. Thus, Kawakami et al. differs from claims 1 and 8. For at least this reason, claims 1 and 8 are allowable.

Claims 2-4 and 21-23 are allowable at least due to their dependence from allowable claim 1. Claims 9-11 and 24-26 are allowable at least due to their dependence from allowable claim 8.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-14 and 21-26 in condition for allowance. Applicant submits that the proposed amendments of claims 1 and 8 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

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Furthermore, Applicant respectfully points out that the Final Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Attached hereto is a marked-up version of the changes made to the claims by this Amendment. The attachment is captioned "Appendix to Amendment of April 24, 2003".

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Appendix to Amendment of April 24, 2003

IN THE CLAIMS:

Please amend claims 1 and 8, as follows:

1. (Twice Amended) A resin encapsulating apparatus comprising:
 - a retaining section which retains a semiconductor device;
 - a mask set on the semiconductor device and having an opening at which part of the semiconductor device is exposed;
 - an extruding section which extrudes a fluidizing resin into the opening of the mask;
 - a first drive section which drives the extruding section;
 - [a first control section which has positional information on a position of the opening of the mask and which causes the extruding section to be driven by controlling the first drive section based on the positional information;]
 - a squeegee which causes a movement of the fluidizing resin present over the opening which is extruded from the extruding section into the opening; and
 - a second drive section which drives the squeegee[; and
 - a second control section which has the positional information on the position of the opening of the mask and which causes the squeegee to be driven by controlling the second drive section based on the positional information].

8. (Twice Amended) A resin encapsulating apparatus for forming a protection

resin sealing body on a semiconductor device in which the resin sealing body and

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external connection balls are formed on the same surface side of the semiconductor device, the resin encapsulating apparatus comprising:

a retaining section which retains the semiconductor device;

a mask set on the semiconductor device and having an opening at which, when the mask is set on the semiconductor device, an area of the semiconductor device at which the resin sealing body is to be formed is exposed;

an extruding section which extrudes a fluidizing resin into the opening of the mask;

a first drive section which drives the extruding section;

[a first control section which has positional information on a position of the opening of the mask and which causes the extruding section to be driven by controlling the first drive section based on the positional information;]

a squeegee which causes a movement of the fluidizing resin present over the opening which is extruded from the extruding section into the opening; and

a second drive section which drives the squeegee[; and

a second control section which has the positional information on the position of the opening of the mask and which causes the squeegee to be driven by the controlling the second drive section based on the positional information].

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